

REMARKS

The Examiner has acknowledged that Claims 2-10 are directed to allowable subject matter. Only Claim 1 is not allowed by the Examiner.

Claim 1 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,910,649, which issued to Vadseth. This rejection is respectfully traversed and reconsideration thereof is requested.

The present invention relates to a cargo lamp assembly for vehicles. The assembly includes a white light emitting diode (LED) having an aperture for emitting a light beam in an arc of about 120 degrees in horizontal and vertical planes and a lens for receiving the beam and reducing the beam in a horizontal plane to about 60 degrees and reducing the beam in a vertical plane to about 60 degrees.

Vadseth relates to an airfield light, principally for marking aircraft parking lots, routes for ground staff, etc. With particular attention to the Abstract and column 1, lines 8-10, Vadseth requires that the airfield light is readily visible from all sides and from any angle. The airfield light consists of a light source which is arranged in a housing and radiates light in a hemisphere through at least one lens installed in the housing. The light beam 1 in the zenith of the hemisphere has a luminous intensity which is at least 20 percent higher than in the region 13 between 10 and 30 degrees above the lowermost radiant edge 2.

Vadseth fails to teach or remotely suggest a cargo lamp assembly as defined by Claim 1 wherein, for example, a lens reduces the received beam in a horizontal plane to about 60 degrees and reduces the beam in a vertical plane to about 60 degrees. The Examiner is of the opinion that this limitation would have been obvious to one of ordinary skill in the art at the time of the invention was made for the lens of Vadseth to reduce the light beam to 60 degrees as opposed to 20 degrees in a vertical and horizontal plane since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only ordinary skill in the art. The Examiner cites *In re Aller*, 105 USPQ 233.

*In re Aller* relates to a process for the production of phenol. The CCPA commented that the sole reference article used for the rejection showed essentially the

same process as that recited in the claims, except that the only experiment discussed in the article was conducted at a temperature of 100 degrees C and with a 10% sulphuric acid solution. Applicant submits that the present invention distinguishes over *In re Aller* in that the same cargo lamp assembly as defined by Claim 1 is not essentially shown and the general conditions of Claim 1 are not disclosed in the prior art.

Applicant respectfully submits that under 35 U.S.C. § 103, there is no teaching, suggestion, or motivation for modifying Vadseth by providing a cargo lamp assembly having a lens for receiving a beam and reducing the beam in a horizontal plane to about 60 degrees and reducing the beam in a vertical plane to about 60 degrees as recited in the Claims. In fact, such a combination would appear to be in conflict with the teachings of Vadseth. With particular attention to the Abstract and column 1, lines 8-10, the Examiner's proposed combination would fail to meet Vadseth's requirements for an airfield light which is easily detectable from all sides and from any angle of view.

The Examiner also contends that Applicant has not disclosed in the specification the criticality of reducing the angle to about 60 degrees in the horizontal or vertical, therefore, one of ordinary skill would have been motivated to modify the lens of Vadseth to reduce the light emission to about 60 degrees to illuminate a desired area within the 60 degrees which would provide a wider range of illumination than that of Vadseth. Applicant respectfully submits that it has been established that there is no reason for requiring a showing of "criticality" of a limitation which finds support in the original disclosure and which was never alleged by Appellants to be "critical". See In re Luvisi and Nohejl, 144 USPQ 646 (CCPA 1965).

Applicant respectfully submits that in view of the above, it is evident that the Examiner has failed to establish a prima facie case of obviousness. Clearly, Vadseth lacks proper teaching, suggestion, or motivation for modifying the airfield light of Vadseth in the manner proposed by the Examiner. The only way the Examiner could have arrived at his conclusion is through hindsight analysis by reading into the art the teachings of the Applicant. Hindsight analysis is clearly improper, since the statutory test is whether "the subject matter as a whole would have been obvious at the time the invention was made."

Absent such teaching or suggestion, the invention as defined by independent Claim 1 is deemed fully patentable over the above reference. Withdrawal of the rejection under 35 U.S.C. § 103 and allowance of independent Claim 1 is respectfully urged.

The Application with Claims 1-10 is deemed in condition for allowance and such action is respectfully urged. Should the Examiner believe that minor differences exist which, if overcome, would pass the Application to allowance and that said differences can be discussed in a phone conversation, the Examiner is respectfully requested to phone the undersigned at the number provided below.

Respectfully submitted,

A handwritten signature in black ink, reading "Carlo S. Bessone". The signature is fluid and cursive, with the first name "Carlo" and last name "Bessone" clearly distinguishable.

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